

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the matter of:)
)
Streamlining the Commission's)
Antenna Structure Clearance)
Procedure)
)
and)
)
Revision of Part 17 of the)
Commission's Rules Concerning)
Construction, Marking and Lighting)
of Antenna Structures)

WT Docket No. 95-5

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

COMMENTS OF CBS INC.

CBS Inc. ("CBS") submits these comments in response to the Notice of Proposed Rulemaking released January 20, 1995 in this docket ("Notice"). CBS wishes to voice its support for the Commission's proposal to make owners of antenna towers responsible for tower registration and maintenance. In addition, CBS suggests that: (i) the Commission conform tower registration to license renewal cycles; (ii) AM directional arrays be registered as one structure with multiple components; (iii) the Commission decide that its rules preempt conflicting state or local rules; and (iv) fees should not be imposed for registration of existing towers.

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List A B C D E

1. Tower Owners Should Bear The Responsibility For Tower Registration And Maintenance

Under the Commission's current antenna structure rules, every licensee is required to file with the Commission for antenna structure clearance and is required to maintain the structure's painting and lighting, notify the Commission as to changes in ownership, height, etc., and notify the Commission if the tower is dismantled. If there are multiple licensees on a tower, they are all responsible for the performance of these functions. Licensees are individually responsible even if they do not own or have a legal right to maintain a structure. Notice at ¶7.

The Notice proposes eliminating this anomaly and placing responsibility on the party most able to act -- the structure owner. The owner is in the best position to perform all the tasks the Commission is concerned about -- i.e., tower registration, tower maintenance, and notice to the Commission of such events as modifications to tower height or coordinates, or dismantling of a tower. Making owners responsible will also decrease duplication in the Commission's records. Rather than separate filings from each licensee on a tower, there will be one registration from the tower's owner listing the tower's coordinates and all the licensees on the tower. Accordingly, CBS supports this proposal.

2. Tower Registration Should Be Coordinated With The License Renewal Cycle

CBS supports the Commission's proposal to link tower registration with license renewal applications. Notice at ¶11(c). As renewal filing dates are grouped by state, this would allow

the Commission to focus on all renewals in one region at a time. Since the license renewal process is already in place, "piggybacking" registration renewal should not greatly increase regulatory costs. The only decision would be whether registration should be every five years (along with television licensees) or every seven years (along with radio licensees). Once all existing towers have been registered, tying re-registration to the license renewal cycle will keep the Commission's database current. If the Commission links the registration to either renewal cycle, it could speed up the initial registration process by first requiring registration within a specified period where renewal filing dates are already past.

3. Directional Antenna Arrays Should Be Registered As One Site

Under the present system, the coordinates of AM directional antenna arrays mark the center of the array. Footnote 23 of the Notice proposes instead that each structure in the array be registered. CBS objects to this proposal. One of the purposes of the proposed registration process is "to cut costs for both the public and the federal government". Notice at ¶16. The Commission is seeking "a drastic reduction in the number of Commission filings." Id. Yet this proposal would increase the number of filings. Where there is a twelve tower array, which currently has only one set of coordinates (requiring one filing), Footnote 23 proposes twelve separate filings with twelve different sets of coordinates. CBS instead proposes that the current system of only one set of coordinates be continued, but that the registration contain the specific number of towers in the array and designate each tower by number, which is how the Commission currently designates them on station licenses.

4. The Commission's Rules Should Preempt Any Conflicting State or Local Rules

In discussing the proposed revision to FCC Form 854, the Notice states that registration of antenna structures will not "relieve the owner of responsibility for compliance with applicable local or State laws." Notice at ¶4. CBS recognizes that some State and local regulation of antenna structures is unavoidable. However, much like Section 25.104 of the Commission's Rules (47 C.F.R. §25.104) preempts local or State regulation of satellite receive and transmit antennas, except in narrow circumstances, CBS hopes that the Commission will rule that where federal regulations conflict with local and state regulations, for instance, as to painting and lighting, the FCC will preempt those local or State regulations too.

5. Given the Economic Benefits To The Commission From This Proposal, A Registration Fee Should Not Be Imposed

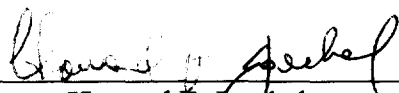
The Notice asserts that the cost to the Commission of regulating existing antenna structures exceeds \$500,000 per year, based on 1993 data. Notice at ¶15. With the drastic reduction in the number of filings the Commission anticipates as a result of its proposals (see Notice at ¶16), the Commission should save several hundred thousand dollars annually. Additionally, the Commission will reduce the number of antenna databases it currently maintains from two to one, freeing up manpower and computer resources for other purposes. Tower owners, however, will have the burden of a new filing to assist the Commission. Therefore, it is unfair to also burden tower owners with a fee.

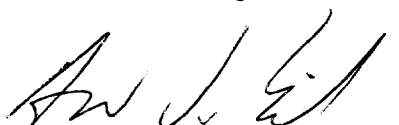
CONCLUSION

Accordingly, the Commission should adopt the proposal making owners of antenna towers responsible for tower registration and maintenance, should conform tower registration to license renewal cycles, preempt conflicting state or local rules, continue to register AM directional arrays as one structure, and not impose any fees for registration of existing towers.

Respectfully submitted,

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